IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 308 OF 2006
IN
NOTICE OF MOTION NO. 593 OF 2005
IN
SUIT NO. 220 OF 2005

Farooq Mohammed Patel ... Appellant

Versus

M/s. Ray Estate and Ors. ... Respondents

Mr. R.D. Dave, instructed by M/s. N.N. Vaishnawa & Co., for the appellant.
Mr. D.F.Dharam, instructed by M/s.Dharam & Co., for the respondents.

CORAM: **KSHITIJ R. VYAS, C.J.** &
ABHAY S. OKA, J.

DATE: **JUNE 29, 2006**.

P.C.

Heard the learned counsel for the parties.

2. This appeal is directed against the order dated 18th March, 2006, passed by the learned single Judge in Notice of Motion No. 593 of 2005 in Suit No. 220 of 2005. Having found no prima facie case in the case put forward by the appellant, the learned single Judge rejected the Notice of Motion taken out by the appellant. The learned counsel for the appellant submitted that in pursuance of the agreement and

understanding entered into between the appellant and respondent No.8, in May, 1999, a sale deed dated 20th July, 2001 was executed and by virtue of which the appellant has become the lawful owner and landlord of the suit property. The learned single Judge after appreciating the entire facts of the case held that respondent No.8 could not have transferred any title in the property to the appellant. By virtue of the document of 1999, which is the agreement to sell, no title could have been passed in favour of the appellant. We are in agreement with the findings of the learned single Judge. We find no substance in the appeal and the same is accordingly dismissed.

CHIEF JUSTICE

ABHAY S. OKA, J.